

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

January 13, 2005

P. Sartorius called the meeting to order at 4:02 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Mazade, P. Sartorius, T. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: T. Harryman, excused; S. Warmington, excused; B. Smith.

STAFF PRESENT: L. Anguilm, H. Griffith

OTHERS PRESENT: J. Lottie, 1710 Jefferson representing the Christian Fellowship Church

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of December 16, 2004 was made by T. Johnson, supported by J. Aslakson and unanimously approved.

L. Spataro arrived at 4:06 p.m.

PUBLIC HEARINGS

Hearing; Case 2004-44: Request for a special land use permit, per section 1301 (7) of the Zoning Ordinance, to allow a church in B-4 zoning district at 276 Ottawa Street, by Christian Fellowship. L. Anguilm presented the staff report. 1) The subject property is the site of a previously existing commercial building on Ottawa Street, which provides the site with its primary access. 2) The property is surrounded by other commercially and industrially zoned properties to the north, south and west; to the east is Seaway Drive. There are no residential properties nearby. 3) Parking is an area of concern. One parking space is required for each six seats or 12 feet of pew; however, it is not known how many seats are to be provided in the sanctuary and therefore the required number of spaces is unknown. However, parking may be located within 300 feet of the property, which is a reasonable option provided the City receives a copy of an agreement with a neighboring property owner allowing it, and which satisfies the requirements of section 2326 (10). 4) Vehicular circulation is also a concern on the site as well, with the principal curb cut located in front of the portion of the building closest to Ottawa Street and a somewhat secondary access at the northwest corner. 5) For the January meeting, staff received two proposed site plan options from the applicant, neither of which showed the number of seats in the sanctuary and which otherwise do not meet zoning requirements with regard to parking in required setbacks, providing ADA compliant spaces and traffic movement and safety concerns. As a result, staff suggested changes to the plans, to be shown on new versions, one being an interim plan for immediate implementation and the other a long range plan to be

implemented after a year or so of operation. 6) The interim plan provides eight parking spaces, enough for the 50 current church members based on the one-for-six requirement. This plan utilizes existing paving, requiring only striping of the parking spaces and improvements to the existing landscaping, including removing all scrub trees from around the property and filling, leveling and planting of all current grassy areas to present a more formal landscaped appearance. This plan carries with it a June 2005 deadline. As shown on the revised plan, one of the parallel spaces is partially located within the required 10 foot front setback, which is prohibited, but can easily be corrected on a final revised plan. 7) The long term plan includes 12 parking spaces, enough for 72 seats (or members), a relocated curb cut to appropriately service the two parking combs on either side of the entrance, new curb and gutter where required, removal of concrete from and landscaping of the required 10 foot front setback and buffer area, and landscaping in the required eight foot north side setback. This plan does return to the Church's use land that is currently paved and frequently used by vehicles entering and leaving the recycling yard across Ottawa. Removal of the paving, back filling and perhaps a retaining wall will be necessary. As currently paved, cars can enter the property at the northwest corner of the property, between the fire hydrant and the existing landscape area, which is undesirable and unsafe. The other existing curb cut is directly in front of the proposed sanctuary, which is also in a less than desirable location. This plan carries with it a June 2006 deadline. 8) DPW has no issues with the plan. 9) She went over Engineering's issues. Staff has received a phone call from Diana Miller of Muskegon County Habitat for Humanity. She stated that her agency supports the request from the church, but does have some parking concerns. Staff recommends approval of the request with conditions.

J. Lottie stated that he had spoken with Diana Miller from Habitat for Humanity and they would be willing to allow them the use of their parking lot. If he needs a written agreement, he can get one. He also talked to Mr. Fisher who owns the property across the street regarding parking. He will follow all the requirements proposed by staff as well as the Engineering Dept. T. Michalski asked if the building was made of brick. J. Lottie stated that it was made of cinder block. T. Michalski asked if it also had siding. J. Lottie stated that it did.

A motion to close the public hearing was made by L. Spataro, supported by T. Johnson and unanimously approved.

T. Johnson asked staff about the proposed third condition regarding the registration of the special use permit affidavit with the register of deeds. L. Anguilm stated that the consultant had recommended it because other communities also do it. This way, if a property is sold, then this would show up and the new owner would be aware of it.

A motion that the special land use permit, per section 1301 (7) of the Zoning Ordinance, to allow a church in B-4 zoning district at 276 Ottawa Street, by Christian Fellowship, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance based on the following conditions: 1) The applicant must provide site plans incorporating the recommendations of staff comments #6 and #7 prior to occupying or receiving a building permit to make the premises occupy-able, whichever comes first, with an implementation deadline of June 30, 2005, for the interim site plan and June 30, 2006, for the long term site plan. 2) The special land use permit shall become null and void within one year of the public hearing if the use has not been established or

condition #1 has not been met. 3) An affidavit showing the Special Land Use permit shall be recorded with the register of deeds prior to occupying the building. 4) The applicant will abide by all of Engineering Department's requirements, was made by J. Aslakson, supported by B. Mazade and was unanimously approved.

Hearing, Case 2005-01 – Staff initiated request to amend Section 2331 of Article XXIII (General Provisions) to amend the Outdoor Lighting in all districts language regarding street lighting. L. Anguilm presented the staff report. This language was recently questioned by an applicant. The wording of the section does not meet the intent of the ordinance. The original intent of this language was to include all outdoor lighting, whereas the use of the words “street lighting” seems to imply only those lights in the public right-of-way. The new language was supplied to the commission members changing the name under Outdoor lighting in all districts: from Street lighting to Outdoor lighting.

A motion to close the public hearing was made by T. Michalski, supported by J. Aslakson and was unanimously approved.

A motion that the amendment to Section 2331 of Article XXIII (General Provisions) for Outdoor Lighting in all districts language regarding street lighting be recommended to the City Commission for approval, was made by T. Johnson, supported by L. Spataro and unanimously approved.

Hearing, Case 2005-02 – Staff initiated request to amend Section 2319 of Article XXIII (General Provisions) to amend the Residential Design Criteria language regarding minimum storage space in multi-family dwelling units. L. Anguilm presented the staff report. The Zoning Board of Appeals (ZBA) recently granted a variance allowing only 10% storage space for a multi-family development at 860 Marquette Avenue, whereas 15% is required by ordinance. Staff feels that the minimum 15% storage requirement may be unreasonable for multi-family units due to the fact that most multi-family units do not have basements, thus making it more difficult to provide the required 15% minimum storage for each of the units than if they did have basements. Staff feels that in a multi-family apartment-type setting, adequate storage can be provided for at 10% of interior living space of each unit of the dwelling. An excerpt of the ZBA minutes from the November 9, 2004 meeting helped explain the reasoning behind the approval of the variance. The commission members were provided with the proposed new language.

The commission members discussed the proposed language. J. Aslakson asked if the ZBA felt there was a difference between building homes on a concrete slab or a basement. L. Anguilm stated that they had looked at it as a multi-unit (duplex) and not what the foundation would be. P. Sartorius felt it should be specified for concrete slabs. L. Spataro stated that he gets a lot of phone calls regarding items being stored outside. He felt they should look at why the ordinance has it at 15% and see if other communities are the same/higher/lower in this area. This may need to be looked at on a case by case basis. P. Sartorius stated that there is a difference between single-family versus multi-family. Single-family homes have more advantages to having outdoor storage. He asked staff how many times this had affected a project. L. Anguilm stated that it has stopped some developers from proceeding with their project. B. Mazade asked if she could think of any. L. Anguilm stated that M. Cameron would know because he reviews

the plans and works with the developers in that regard. P. Sartorius stated that the commission members would need to look at how often it had been a problem. Where did the 15% had come from in the zoning ordinance language? What is the standard in other areas? T. Michalski stated that they would need to know the rational behind the 15% requirement and make a distinction.

A motion to close the public hearing was made by T. Michalski, supported by L. Spataro and unanimously approved.

A motion that the amendment to Section 2319 of Article XXIII (General Provisions) of the Zoning Ordinance for Residential Design Criteria language regarding minimum storage space in multi-family dwelling units be tabled with staff looking into what other communities are doing and where our requirement came from, was made by T. Johnson, supported by J. Aslakson and unanimously approved.

Hearing, Case 2005-03 – Staff initiated request to amend Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X,( B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), to amend the front setback requirement for a major street to be the same as a collector street. L. Anguilm presented the staff report. Staff has noticed that the language in each of the districts regarding front setbacks for major and collector streets doesn't match Table 1. The original intent of the language regarding front set backs for both major and collector streets was to have major and collector street requiring the same 25 foot front set back. However, in the Section language, major streets are included with expressways and arterial streets and require a 30 foot front setback. Staff feels that the definition for "Major Street" more closely resembles that of "Collector Street" and the commission members were provided with the definitions from the zoning ordinance.

P. Sartorius stated that Table 1 was a summary of the setbacks of the ordinance. They had worked on the Table for quite a long time. He felt that the ordinance should match Table 1. J. Aslakson stated that he wasn't sure if some of the streets should be moved to different street classifications due to the change in the uses linked to them. T. Johnson stated that some of the ordinance sections have the setback at 20 ft. on collector streets. He went over some of the other differences. L. Spataro stated that the intent of this request was to change the ordinance sections to reflect what is in Table 1.

A motion to close the public hearing was made by T. Michalski, supported by L. Spataro and unanimously approved.

A motion that the amendments to Section 404, Article IV (R-1 Single Family Residential); Section 603, Article VI (RT Two Family Residential); Section 703, Article VII, (RM-1 Low Density Multiple-Family Residential); Section 803, Article VIII, (RM-2 Medium Density Multiple-Family Residential); Sections 903 & 907, Article IX (RM-3 High Density Multiple Family Residential & MC Medical Care Districts); Section 1003, Article X,( B-1 Limited Business); Section 1103, Article XI, (B-2 Convenience and Comparison Business); Section 1203, Article XII, (B-3 Central Business); Sections 1303 & 1308, Article XIII, (B-4 General Business & B-5 Central Governmental Service); Section 1403, Article XIV, (I-1 Light Industrial); Section 1503 & 1507, Article XV, (I-2 General Industrial & WI-PUD Waterfront Industrial Planned Unit Development); Section 1603, Article XVI (OSC Open Space Conservation); Section 1703, Article XVII, (OSR Open Space Recreation); Section 1803, Article XVIII, (LR Lakefront Recreation); Section 1903, Article XIX (WM Waterfront Marine); Section 2003, Article XX, (H Heritage), regarding the front setback requirement to reflect what is listed in Table 1 of the zoning ordinance be recommended to the City Commission for approval, was made by L. Spataro, supported by J. Aslakson and unanimously approved.

#### OTHER

2004 Work Plan – P. Sartorius asked staff to distribute the 2004 Work Plan to the commissioners in February so they may start working toward the 2005 Work Plan.

Memo from the City Attorney – P. Sartorius stated that the commission members should read this over and familiarize themselves with the new zoning laws.

History of Planning Commission – P. Sartorius stated that this would be his last meeting as a Planning Commissioner. He went over the different things that the Planning Commission has accomplished over the years that he has been on the commission.

There being no further business, the meeting adjourned at 4:50 p.m.

hmg  
1/13/05